

# United States District Court

## Eastern District of Tennessee

UNITED STATES OF AMERICA  
v.  
HOPE C. GARNER

### JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Case Number: 3:07-PO-53

JONATHAN MOFFATT  
Defendant's Attorney

#### THE DEFENDANT:

- pleaded guilty to count(s): 2 (TE41 0860067).  
 pleaded nolo contendere to count(s) \_\_\_\_ which was accepted by the court.  
 was found guilty on count(s) \_\_\_\_ after a plea of not guilty.

ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following offense(s):

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
36 CFR 4.23(a)(1)&(2)	DUI	4/22/07	2

The defendant is sentenced as provided in pages 2 through 4 of this judgment and the Statement of Reasons. The sentence is imposed pursuant to the Sentencing Reform Act of 1984 and 18 U.S.C. §3553.

- The defendant has been found not guilty on count(s) 1 (TE41 0860067).  
 Count(s) \_\_\_\_ [] is [] are dismissed on the motion of the United States.

IT IS ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and the United States attorney of any material change in the defendant's economic circumstances.

OCTOBER 10, 2007  
Date of Imposition of Judgment

H. Bruce Guyton  
Signature of Judicial Officer

H. BRUCE GUYTON, United States Magistrate Judge  
Name & Title of Judicial Officer

10/15/07  
Date

DEFENDANT: HOPE C. GARNER  
CASE NUMBER: 3:07-PO-53

## IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 48 hours w/credit for time served.

- The court makes the following recommendations to the Bureau of Prisons:

The defendant to allowed to start her sentence on a Monday.

- The defendant is remanded to the custody of the United States Marshal.

- The defendant shall surrender to the United States Marshal for this district:

at \_\_\_  a.m.  p.m. on \_\_\_

as notified by the United States Marshal.

- The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on \_\_\_

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

## RETURN

I have executed this judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: HOPE C. GARNER  
CASE NUMBER: 3:07-PO-53

## CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth on Sheet 6. The assessment is ordered in accordance with 18 U.S.C. § 3013.

	<u>Assessment</u>	<u>Fine</u>	<u>Processing Fee</u>
Totals:	\$ 350.00	\$ 10.00	\$ 25.00

- [ ] The determination of restitution is deferred until \_\_\_. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.
- [ ] The defendant shall make restitution (including community restitution) to the following payees in the amounts listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, if the United States is a victim, all other victims, if any, shall receive full restitution before the United States receives any restitution, and all restitution shall be paid to the victims before any restitution is paid to a provider of compensation, pursuant to 18 U.S.C. §3664.

<u>Name of Payee</u>	<u>*Total Amount of Loss</u>	<u>Amount of Restitution Ordered</u>	<u>Priority Order or Percentage of Payment</u>
TOTALS:	\$__	\$__	

- [ ] If applicable, restitution amount ordered pursuant to plea agreement \$ \_\_

The defendant shall pay interest on any fine or restitution of more than \$2500, unless the fine or restitution is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. §3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. §3612(g).

- [ ] The court determined that the defendant does not have the ability to pay interest, and it is ordered that:

[ ] The interest requirement is waived for the [ ] fine and/or [ ] restitution.

[ ] The interest requirement for the [ ] fine and/or [ ] restitution is modified as follows:

DEFENDANT: HOPE C. GARNER  
CASE NUMBER: 3:07-PO-53

## SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

- A  Lump sum payment of \$ 385.00 due immediately, balance due  
[ ] not later than \_\_\_, or  
[ ] in accordance with [ ] C, [ ] D, or [ ] E or [ ] F below; or
- B  Payment to begin immediately (may be combined with [ ] C, [ ] D, or [ ] F below); or
- C  Payment in \_\_\_ (e.g., equal, weekly, monthly, quarterly) installments of \$ \_\_\_ over a period of \_\_\_ (e.g., months or years), to commence \_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D  Payment in \_\_\_ (e.g., equal, weekly, monthly, quarterly) installments of \$ \_\_\_ over a period of \_\_\_ (e.g., months or years), to commence \_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E  Payment during the term of supervised release will commence within \_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F  Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes a period of imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. Unless otherwise directed by the court, the probation officer, or the United States attorney, all criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, shall be made to \_\_\_. Payments shall be in the form of a check or a money order, made payable to U.S. District Court, with a notation of the case number including defendant number.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

[ ] Joint and Several

Defendant Name, Case Number, and Joint and Several Amount:

- [ ] The defendant shall pay the cost of prosecution.
- [ ] The defendant shall pay the following court cost(s):
- [ ] The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) community restitution, (6) fine interest (7) penalties, and (8) costs, including cost of prosecution and court costs.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

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SERIALIZED FILED  
U.S. DISTRICT COURT CLERK

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UNITED STATES OF AMERICA )

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HOPE C. GARNER )

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CLERK

ORDER OF APPOINTMENT OF COUNSEL

The Court finds that defendant, **HOPE C. GARNER**, does not have the funds to retain an attorney of her choice and that the defendant wants to be represented by counsel.

Accordingly, it is **ORDERED** the following counsel will be appointed to represent the defendant:

**JONATHAN MOFFATT**  
**Federal Defender Services of Eastern Tennessee, Inc.**  
**530 South Gay Street, Suite 900**  
**Knoxville TN 37902**

Defendant, Garner, will enter plea of guilty to DUI (No 086007) - Fine \$350.00 plus \$25.00 PF and \$10.00 SA.  
Sentence to 48 hrs in jail less credit for time served. (1385)

No. 0860066-DWOP

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CLERK  
STANLEY J. ORR  
STANLEY J. ORR